

**PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA**

**CHIEF HEARING OFFICER DIRECTIVE**

**DOCKET NO. 2021-89-E and 2021-90-E ORDER NO. 2021-78-H**

**JUNE 14, 2021**

**CHIEF HEARING OFFICER: David Butler**

**DOCKET DESCRIPTION:**

**Duke Energy Carolinas, LLC's 2021 Avoided Cost Proceeding Pursuant to S.C. Code Ann. Section 58-41-20(A)**

**Duke Energy Progress, LLC's 2021 Avoided Cost Proceeding Pursuant to S.C. Code Ann. Section 58-41-20(A)**

**MATTER UNDER CONSIDERATION:**

**Petition to Intervene of South Carolina Coastal Conservation League (“CCL”) and Southern Alliance for Clean Energy (“SACE”) (or together, the “Petitioners”)**

**CHIEF HEARING OFFICER’S ACTION:**

**This matter comes before the Chief Hearing Officer on the Petition to Intervene of the South Carolina Coastal Conservation League and Southern Alliance for Clean Energy. The Petition is timely filed, and no objections to the intervention have been filed.**

**These Dockets were opened for the purpose of reviewing Duke Energy Carolinas, LLC’s and Duke Energy Progress, LLC’s (together, the “Duke Companies”) “standard offer, avoided cost methodologies, form contract power purchase agreements, commitment to sell forms, and any other terms or conditions necessary to implement Section 58-41-20 of Act 62. Act 62 requires the Commission to approve each utility’s avoided costs methodologies and related terms at least every twenty-four months after the preceding approval.**

**Act 62 requires “[a]ny decisions by the [C]ommission [in each utility’s avoided cost proceeding] [to] be just and reasonable to the ratepayers of the electrical utility, in the public interest, consistent with PURPA and the Federal Energy Regulatory Commission’s implementing regulations and orders, and nondiscriminatory to small power producers.” S.C. Code Ann. § 58-41-20(A). Accordingly, the Petitioners have filed a Petition to Intervene in the present proceedings.**

**After it has been determined that the Petition has been timely filed, the next question for the Commission is to determine whether or not the petitioning party has clear factual support or grounds for the proposed intervention. S.C. Regs. 103-825A(3) requires that a party making a Petition to Intervene in a matter pending before the SC Public Service Commission must:**

set forth clearly and concisely:

- (a) The facts from which the nature of the petitioner's alleged right or interest can be determined;
- (b) The grounds of the proposed intervention;
- (c) The position of the petitioner in the proceeding.

The Petition asserts that CCL is a nonprofit corporation organized under the laws of the State of South Carolina whose mission is to protect the natural environment of the South Carolina coastal plain and to enhance the quality of life in its communities by working with individuals, businesses, and government to ensure balanced solutions. The Petition further states that CCL and its members support the development of energy policy that is in the public interest of South Carolinians. CCL has members in South Carolina who receive electricity service from the Duke Companies and CCL states that they will be impacted by the decisions made in this proceeding regarding renewable energy and the recovery of avoided costs.

The Petition also asserts SACE is a nonprofit organization whose mission is to promote responsible and equitable energy choices to ensure clean, safe and healthy communities throughout the Southeast. The Petition notes that SACE and its members are interested in promoting greater reliance on clean energy resources to meet the South's energy needs. Like CCL, SACE has members in South Carolina who receive electricity service from the Duke Companies and the Petition states that they will be impacted by the decisions made in this proceeding regarding renewable energy and the recovery of avoided costs.

Petitioners state that they will advocate for a full and proper valuation of avoided cost rates and transparency in the Duke Companies' calculations. The Petitioners further assert that their participation in these proceedings is further aimed at advancing Petitioners' direct and substantial interest in ensuring that solar companies receive the fair rates, terms, and conditions that they are entitled to under federal law and pursuant to Act 62, and supporting clean energy decisions that will lead to cleaner, safer, and healthier communities for all South Carolinians.

From these facts, this Hearing Officer holds that SACE and CCL have successfully satisfied the three criteria for intervention stated in the Regulation. CCL's and SACE's interest in these matters can clearly be discerned, as can the grounds for the intervention, and their position for both Dockets.

Further, the Petition to Intervene was timely filed and there are no objections to the intervention. Accordingly, the Petition to Intervene of SACE and CCL is hereby granted in both Dockets. This ends the Chief Hearing Officer's Directive.